

REMARKS

By this Amendment, claims 2 and 7 are canceled without prejudice or disclaimer, claims 1, 6 and 13 are amended to further clarify and broaden the scope of allowable subject matter recited therein, and claim 8 is amended to merely correct a typographical error while not narrowing the claimed invention. Claims 1, 3-6 and 8-13 are pending.

The Office Action rejected claims 1-2, 5-7 and 10-13 under 35 U.S.C. 102(e) as being anticipated by Galyas et al. (U.S. 6,138,020; hereafter “Galyas”) and rejected claims 3-4 and 8-9 under 35 U.S.C. 103(a) as being unpatentable over Galyas in view of Saada et al. (U.S. 6,493,555; hereafter “Saada”). The cancellation of claims 2 and 7 renders the rejections of those claims moot. Applicant traverses the rejections of the remaining claims because the cited prior art references, analyzed individually or in combination, fail to disclose, teach or suggest all the features recited in the rejected claims.

For example, the cited prior art fails to disclose, teach or suggest the claimed method for performing a handover comprising “checking whether the handover is an internal handover of the base station controller where the base station employing the new radio channel and the base station employing the old radio channel are controlled by one and the same base station controller; checking whether a predetermined trigger condition is met, said condition being met if either the speech coding method or the data transfer rate changes, or if both the speech coding method and data transfer rate change at the same time, in connection with the handover; and directing a switching function located in the mobile services switching centre to perform the handover, provided that the checks show that the handover is an internal handover of the base station controller where the trigger condition is met, or alternatively directing a switching function of the base station controller to perform the handover in question, provided that the checks show that the handover is an internal handover of the base station controller where the trigger condition is not met,” as recited in independent claim 1 and its dependent claims.

Similarly, the cited prior art fails to disclose, teach or suggest the claimed mobile communications system (claim 6) or base station controller (claim 13) comprising comparison means comparing the speech coding method and the data transfer rate used on the first telecommunications channel with one or more speech coding methods and data transfer rates available on the second telecommunications channel in order to find out whether a predetermined trigger condition is met, said condition being met if the speech coding method used on the first telecommunications channel is not available on the second

telecommunications channel and/or if the data transfer rate of the second telecommunications channel is different from the data transfer rate of the first telecommunications channel; checking means checking whether the handover is an internal handover of a base station controller where the base station transmitting the first telecommunications channel is controlled by the same base station controller as the base station transmitting the second telecommunications channel; "wherein the control means direct the switching function of the mobile service switching centre to perform the handover, provided that the comparison means and the checking means show that the handover is an internal handover of the base station controller where the trigger condition is met or alternatively the control means direct the switching function of the base station controller to perform the handover, provided that the comparison means and the checking means show that the handover is an internal handover of the base station controller where the trigger condition is not met."

Galyas merely discloses a distributed handover mechanism for use in digital TDMA systems for minimizing interruption of speech frames similar to the idea of "soft handover" as used in CDMA. Galyas teaches that, instead of allocating a new TRAU to BTS-new in the handover, the mechanism uses the same TRAU and the switching is done on the Abis side of the TRAU, at a full-rate of 16 kbit/s or the half-rate of 8 kbit/s in GSM, whether the TRAU is located at the Base Transceiver Station or anywhere more centrally, up to the Mobile Switching Center. Galyas teaches that by keeping the same TRAU, the interruptions due to the switching of the uplink traffic are more easily masked by the TRAU since the TRAU has information stored from BTS-old about the speech frames being transmitted. However, in Galyas, switching in the uplink is performed by the TRAU based on the quality of the received data from both BTS-old and BTS-new.

To the contrary, the claimed invention provides a solution wherein two different switching functions (located in the MSC and in the BSC) are available and can be used to perform a handover. The determination of which switching function to use is based on a determination of whether the handover is an internal BSC handover and a determination of whether the speech coding method or data transfer rate will change due to the handover. Depending on the outcome of those determinations, the switching function of the MSC or BSC is selected to carry out the handover.

Galyas actually suggests that the handover should be performed by the TRAU (col. 16 lines 42 to 46 and col. 6, lines 21 to 27). Indeed, the TRAU can according to Galyas et al. be located at the BSC or the MSC. However, the location of the TRAU is permanently selected

when the network is constructed, and thus only one possible switching function is available. Thus, Galyas actually teaches away from the claimed invention, thereby, failing to disclose, teach or suggest a solution where it is possible to direct either the switching function of the MSC or the switching function of the BSC to perform the handover.

Further, Galyas fails to disclose, teach or suggest the claimed determination of whether the handover is an internal handover of the BSC as recited in claim 1 and the claimed checking means for carrying out such a determination as recited in claims 6 and 13. Although, the Office Action has asserted that col. 15, lines 23 -32 of Galyas disclose this feature, that analysis is incorrect. In fact, Galyas merely mentions an "intracell" handover, i.e., a handover with the same BTS, without disclosing or suggesting that any kind of determination is performed regarding whether the handover is internal. Thus, a BSC internal handover is not mentioned at all in the cited passages of Galyas.

Finally, Galyas fails to teach or suggest the claimed determination of whether a predetermined triggering condition (change of speech coding method or data transfer rate) is met, as recited in claim 1, and the corresponding claimed comparison means for carrying out that determination, as recited in claims 6 and 13. Although the Office Action has asserted that col. 14, line 58 - col. 15, line 22 of Galyas discloses those features, that analysis is incorrect. That passage of Galyas fails to disclose, teach or suggest that attention should be paid to the speech coding method or data transfer rate, or that any comparison involving these should be carried out.

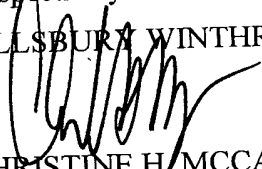
Saada fails to remedy the deficiencies of Galyas because Saada merely teaches details regarding a disclosed method of improving co-operation between entities in a cellular mobile radio communications network, wherein during inter-cell call handover, a new server cell is chosen from a set of candidate cells as being a candidate cell to which a requested handover is possible, and candidate cells to which a requested handover is not possible are referred to as rejected cells. Saada teaches that execution of an external call handover from a current server cell is controlled by a current server entity to a new server cell chosen from the set of candidate cells and controlled by a new server entity which is distinct from the current server entity, and that the new server entity is informed of any previously rejected cells.

Thus, the combined teachings of Galyas and Saada fail to disclose, teach or suggest the claimed method, system or base station controller wherein a handover is performed by checking whether the handover is an internal handover of the base station controller where the base station employing the new radio channel and the base station employing the old

radio channel are controlled by one and the same base station controller and checking whether a predetermined trigger condition is met, said condition being met if either the speech coding method or the data transfer rate changes, or if both the speech coding method and data transfer rate change at the same time, in connection with the handover; and directing a switching function located in the mobile services switching centre to perform the handover, provided that the checks show that the handover is an internal handover of the base station controller where the trigger condition is met, or alternatively directing a switching function of the base station controller to perform the handover in question, provided that the checks show that the handover is an internal handover of the base station controller where the trigger condition is not met, as recited in the rejected, pending claims. Accordingly, claims 1, 3-6 and 8-13 are allowable.

All objections have been addressed. If anything further is necessary to place the application in condition for allowance, Applicant requests that the Examiner contact Applicant's undersigned representative at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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